

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:13cv29**

CORINNE L. REID,

Plaintiff,

v.

STEVE T. SPACEK,

Defendant.

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ORDER

Pending before the Court is the Motion to Compel [# 11]. Defendant moves to compel Plaintiff to provide additional documents and answers to interrogatories. Plaintiff filed a brief response to the motion stating that she has supplemented a number of discovery responses, sent subpoenas to third parties to obtain some of the documents at issue, and has otherwise produced all the documents in her possession. Plaintiff does not contend that any of the requested information is not discoverable. Defendant did not file a reply to the Motion to Compel. Upon a review of the record and the relevant legal authority, the Court **GRANTS** the Motion to Compel [# 11].

I. Legal Standard

Generally speaking, parties are entitled to discovery regarding any non-privileged matter that is relevant to any claim or defense. Fed. R. Civ. P. 26(b)(1).

“Relevant information need not be admissible at the trial if the discovery appears reasonably calculated to lead to the discovery of admissible evidence.” Id. Where a party fails to respond to an interrogatory or a request for production of documents, the party seeking discovery may move for an order compelling an answer to the interrogatories or the production of documents responsive to the request. Fed. R. Civ. P. 37(a)(3)(B). “Over the course of more than four decades, district judges and magistrate judges in the Fourth Circuit . . . have repeatedly ruled that the party or person resisting discovery, not the party moving to compel discovery, bears the burden of persuasion.” Kinetic Concepts, Inc. v. ConvaTec Inc., 268 F.R.D. 226, 243 (M.D.N.C. 2010) (collecting cases); Mainstreet Collection, Inc. v. Kirkland’s, Inc., 270 F.R.D 238, 241 (E.D.N.C. 2010); Billips v. Benco Steel, Inc., No. 5:10cv95, 2011 WL 4005933 (W.D.N.C. Sept. 8, 2011) (Keesler, Mag. J.).

II. Analysis

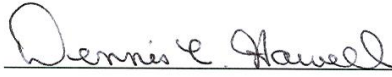
Plaintiff does not contend that the requested discovery is not discoverable and has not set forth any objection to its production. Moreover, it appears that Plaintiff has now supplemented her responses to Defendant’s discovery requests. Upon the Court’s review of the pleadings in this case, the record, and the relevant legal authority, the Court **GRANTS** the Motion to Compel [# 11]. To the extent that Plaintiff has not already done so, the Court **DIRECTS** Plaintiff to fully

respond to Defendant's Interrogatory Nos. 3, 5, 14-16, 17, 19-21 and Request for Production Nos. 4 and 12 within ten (10) days of the entry of this Order.

III. Conclusion

The Court **GRANTS** the motion [# 11].

Signed: May 15, 2014



Dennis L. Howell
United States Magistrate Judge

